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Review Essay: Legal Research Books, Manuals, and Guides —More Than Enough*

Fritz Snyder**

The author provides an impressionistic look at the current texts of legal research, noting features he considers important and problems in the approaches of each.

Introduction

By my count there are now twenty-four books about how to do legal research. First, there are the "Big Three": Morris Cohen and Robert Berring's *How to Find the Law*, Myron Jacobstein and Roy Mersky's *Fundamentals of Legal Research*, and Miles Price, Harry Bitner, and Shirley Bysiewicz's *Effective Legal Research*. Twelve others are aimed primarily at law students; no doubt the publishers and authors of each hope that their book will become the required text for research and writing classes in law schools around the country. Six other books are aimed primarily at lay persons; two at practicing lawyers; another at paralegals. This proliferation is quite fascinating, as one writer after another tries to add new insights to understanding the legal research process. Legal research is the very heart of law librarianship; so it is surprising that there has been no systematic reviewing of these books and their various editions. With a few exceptions, neither *Law Library Journal* nor *Legal Reference Services Quarterly* has reviewed these books in the 1980s.¹

It seems worthwhile, then, to do a survey of these books as a group, although any brief survey is more impressionistic than systematic. I begin with a fairly long look at the Big Three and then examine the others one by one.

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1. One exception is a recent review of six of the books I also review in this article. See Danner, *From the Editor: Reading Legal Research*, 79 LAW LIBR. J. 1 (1987). I checked the *Legal Resource Index* (which started in 1980) and the *Legal Information Management Index* (which started in 1984). Citations to other reviews of the books discussed in this article are in the footnotes for each book.

The Big Three

Cohen, Morris L., and Robert C. Berring. *How to Find the Law*. 8th ed. St. Paul: West, 1983. 790 pages. \$26.95.

Jacobstein, J. Myron and Roy M. Mersky. *Fundamentals of Legal Research*. 1987 ed. Foundation Press, 1987. 709 pages. \$24.95.

Price, Miles O., Harry Bitner, and Shirley R. Bysiewicz. *Effective Legal Research*. 4th ed. Boston: Little, Brown, 1979. 643 pages. \$28.00.

Books on legal research must strive for a balance: they must give complete and thorough information without confusing or overloading beginning legal researchers.² Alfred Lewis observed that students should leave the legal research course with a working knowledge of all the major categories of law books.³ A legal research book, then, should be so useful that law students will take it with them and actually use it after graduation. The standard texts—the Big Three—are complex, at least to the novice, and complete. But whether they are textbooks or reference books is a debatable point.⁴

This section discusses how the three books compare in several selected areas: order of treatment and arrangement of topics, coverage of the *ALRs*, constitutional law, sources in legislative history, treatment of computer-assisted legal research, special features, and appendices.

Price, Bitner, and Bysiewicz say that “[t]he most important material in a reasonably complete American working library is . . . its collection of published reports of judicial decisions” (p. 139). Yet, their book does not cover court reports (or law reports, as the authors call them) until chapter ten. Statutes and regulations are covered first. A discussion of digests seems to follow naturally from a discussion of court reports, yet *Effective Legal Research* interposes three chapters between the two: one on the *ALRs* and looseleaf services, one on tabular means for finding cases (tables of cases, tables of abbreviations, and parallel citations), and one curious two-page chapter on index and search books.

Cohen and Berring nicely show a single case as it appears in the following different forms: (1) official slip opinion, (2) West’s *Federal Reporter 2d*, (3) CCH looseleaf service, (4) LEXIS printout, (5) WESTLAW printout. The authors also describe West’s two interlocking, comprehensive services: a system of case reporting, which contains the full text of appellate decisions from state and federal courts, and a digest structure, which classifies and allows for retrieval of cases on the points of law discussed in judicial decisions reported by West.

2. See Barkan, *On Describing Legal Research*, 80 MICH. L. REV. 925, 926 (1982).

3. A. LEWIS, *USING AMERICAN LAW BOOKS* xv (2d ed. 1985).

4. See *infra* p. 312.

Yet, Cohen and Berring interpose a chapter on the *ALRs* before discussing case finding and digests. They also issue a passing protest to the confusing nomenclature of West's federal digests and suggest that the next digest be called simply *Federal Digest 4th*, which, of course, it wasn't. Jacobstein and Mersky have a good chart, prepared by Donald Dunn, illustrating the American digest system.

In perusing all the books on legal research, I kept a particularly close eye on the treatment of the *ALRs*. Too few law librarians understand how important the *ALRs* are for many attorneys, for whom the annotations often are invaluable guides to research. When a statute is not involved, *ALR* is often the most important tool. I usually get into *ALR* after finding a key case on WESTLAW, then Shepardizing to find an *ALR* cite or finding a case on LEXIS, then "Autociting." Only Jacobstein and Mersky have a short discussion of AUTOCITE and its usefulness in finding *ALR* annotations. AUTOCITE is extremely useful in this respect because it gives the titles of annotations (*Shepard's* does not).

Cohen and Berring have devoted twenty-seven pages to the U.S. Constitution; Jacobstein and Mersky, fourteen; and Price, Bitner, and Bysiewicz, only two. Only Cohen and Berring mention two authoritative texts on constitutional law: Tribe's *American Constitutional Law* and Nowak, Rotunda and Young's *Hornbook on Constitutional Law*. Cohen and Berring also list five periodicals that specialize in constitutional law.

Both *Effective Legal Research* and *Fundamentals of Legal Research* have chapters on legislative history immediately following their chapters on statutes. *How to Find the Law*, for some reason, has chapters on court rules and citators interposed between the chapters on statutes and legislative history. Price, Bitner, and Bysiewicz comment: "In 1975, more than forty percent of the controversies reaching the Supreme Court involved common law litigation. Today, nearly every case heard by the Court is a case of statutory construction" (p. 10).

In doing legislative history research, an item that is too little appreciated is the *United States Code Congressional and Administrative News (USCCAN)*—particularly for its selected committee reports. Librarians consider *Congressional Information Service (CIS)* invaluable for federal legislative history, but most law firm libraries do not have it. (I contacted every large law firm library in Kansas City and none had *CIS*, yet each had *USCCAN*). *USCCAN* has selected committee reports with cross-references to *United States Code Annotated (USCA)*. (Both are West publications.) Jacobstein and Mersky oversimplify *USCCAN* and give only a passing reference to it;⁵ Cohen and Berring have slightly more discussion

5. See Barkan, *supra* note 2, at 937-38.

and appreciation of *USCCAN*; Price, Bitner, and Bysiewicz have the best analysis, but none of the books discuss the link between *USCCAN* and *USCA*. Price, Bitner, and Bysiewicz do include a diagram of West publications, which shows the relationship.

Jacobstein and Mersky have a good discussion of LEXIS and WESTLAW and are particularly insightful about the difficulty the searcher can have with complex expressions, when the meaning of a case is not captured in individual words but in whole sentences and paragraphs. Dan Dabney, who actually wrote most of the chapter, comments: "Because of the speed and comprehensiveness of both LEXIS and WESTLAW, a quick and dirty search in the beginning may prove to be a far more efficient means of turning up relevant cases than doing the manual research alone" (p. 538). None of the Big Three mention how important and efficient it is to Shepardize and use INSTACITE or AUTOCITE on every relevant case found on the computer. One of Barkan's criticisms of Jacobstein and Mersky's second edition⁶ pertains to the 1987 edition as well: the material on LEXIS and WESTLAW is isolated in a separate chapter, not integrated into the text in relevant places.

Only Jacobstein and Mersky have a chapter on federal tax research. This ninety-page chapter is excellent and detailed. It includes a useful comparison of *Shepard's*, Prentice-Hall, and Commerce Clearing House citator features and a list of commonly used abbreviations of tax materials.

Price, Bitner, and Bysiewicz alone have a chapter on standard legal citation forms. They claim that "the rules presented in this chapter are believed to be those applied by the great majority of lawyers and legal departments; they are acceptable in all law courts" (p. 470), implying that *A Uniform System of Citation* applies only to law review practice, something even less true since the fourteenth edition was published. This chapter strikes me as a lost cause. We may just as well resign ourselves to *A Uniform System of Citation*, impenetrable as it sometimes is.

Price, Bitner, and Bysiewicz have a chapter on coordinating research techniques, and Jacobstein and Mersky have a general summary of research procedure. Cohen and Berring have a chapter on research approaches and strategies. Price, Bitner, and Bysiewicz compare finding the law to playing golf: "Seldom does a player make a hole in one or cover the course by use of a single club" (p. 438). They present seven approaches to legal research:

- (1) table of cases approach
- (2) key number approach

6. Barkan, *supra* note 2, at 938-39.

- (3) annotated reports system approach
- (4) fact or descriptive-word index (DWI) approach
- (5) analytical or topic approach
- (6) words and phrases approach
- (7) treatises approach

Unhappily, the authors left out the annotated code approach and the LEXIS/WESTLAW approach, although they have included an interesting one-page legal bibliography checklist. Jacobstein and Mersky's chart on legal research procedure seems less effective.

Only Cohen and Berring list selected looseleaf services by subject; Jacobstein and Mersky list legal periodicals by subject. Only Cohen and Berring have a chapter on research in the social sciences and a chapter on general research and reference sources. They have included a good list of sources: information about people, information on institutions, dictionaries, style guides, and statistical information. Cohen and Berring also have an excellent chapter on foreign and comparative law, which discusses the contrast between common law and civil law systems, and include a selective list of publications and services by subject, and a list of bilingual legal dictionaries.

Of the Big Three, only Jacobstein and Mersky do not cover Canadian legal research. Only Price, Bitner, and Bysiewicz have chapters on Australian, New Zealand, and South African materials. Jacobstein and Mersky include summaries at the end of each chapter, which probably are quite useful for beginning law students.

Each book's appendices cover different subjects, as follows:

- (1) standard form of appellate brief (Price, Bitner, and Bysiewicz)
- (2) legal abbreviations (Price, Bitner, and Bysiewicz; Jacobstein and Mersky)
- (3) memorandum of law (Price, Bitner, and Bysiewicz)
- (4) legal bibliography in the states—state guides (Cohen and Berring, Jacobstein and Mersky)
- (5) primary legal sources for the states (Cohen and Berring)
- (6) West regional reporters and their coverage (Cohen and Berring, Jacobstein and Mersky)
- (7) sources of federal regulatory agency rules, regulations, and adjudications (Cohen and Berring)
- (8) legal research in U.S. territories (Jacobstein and Mersky)
- (9) state reports (Jacobstein and Mersky)
- (10) selected listing of reporter services by law school course (Jacobstein and Mersky; Cohen and Berring has a listing of services by subject in its chapter on looseleaf services)

In his 1982 article on legal research texts, Barkan noted that incomplete indexing of Jacobstein and Mersky's second edition reduced its value as a

reference tool.⁷ The indexing appears largely unchanged in the 1987 edition. For example, there is still only one entry for the entire subject of federal tax research, which covers ninety pages, and only one entry for *USCCAN* (under "federal legislation," with no reference to page 196, where it is listed with respect to federal legislative histories and House and Senate reports).

Puckett and Grossman's review of Cohen and Berring included this comment: "The eighth edition is simply too long and detailed to fit comfortably into the standard curriculum."⁸ The same could be said about Jacobstein and Mersky and about Price, Bitner, and Bysiewicz. All are excellent reference books, each with certain commendable features and certain idiosyncracies, but they do not make good textbooks: they are simply more than most first-year students need.⁹ The Big Three have so much bibliographic detail and so many illustrations and footnotes that the job of teaching legal research becomes more complicated than it really needs to be. Moreover, some things that would be useful, such as checklists, are left out completely. There also seems to be a blind faith in countless illustrations, which I do not find terribly effective.

As permanent additions to the working lawyer's library, I think the Big Three books have a limited role. First, they are quickly dated. Cohen and Berring have been bringing out a new edition about every five years, and Jacobstein and Mersky every two years. Second, when a practicing attorney gets stuck, he or she would be better off asking a competent law librarian where to go and what to look for. The librarian should know the right answer and can save the attorney much time.¹⁰

7. Barkan, *supra* note 2, at 937.

8. Puckett & Grossman, Book Review, 12 INT'L J. LEGAL INFO. 141, 144 (1984).

9. I suppose the thinking is that if law students are forced to use one of the Big Three, they will hang on to it and put it on their law office shelf. And, if they have any brains at all, they will look at the book from time to time to refresh their memories or to find out how to do something. So we have two arguments here: the Big Three books are more useful during the legal research course than any non-Big Three books, and these books will be more useful when the student begins to practice law.

10. Reviews (since 1980) of Jacobstein and Mersky's 3d edition are in: Gire, Book Review, LAW LIBR. NEW ENG. NEWSL., June 1986, at 25; Book Review, LAW. ALERT, Oct. 1985, at 7. Reviews of the second edition are in Wise, Book Review, 45 TEXAS B.J. 803 (1982) (The reviewer's opinion of the book as expressed by a letter grade (taken from *Current Law Index*) is "B-"); Barkan, *supra* note 2, at 936-40 ("B+"); Wright, Book Review, 10 INT'L J. LEGAL INFO. 38 (1982) ("B"). Barkan's is easily the most scholarly of the reviews. Seventeen pages long with 118 footnotes, this article goes thoroughly into the history of legal research books.

A review of Cohen and Berring is in Grossman & Puckett, Book Review, 12 INT'L J. LEGAL INFO. 141 (1984) ("A").

Reviews of Price, Bitner, and Bysiewicz are in: Levy, Book Review, TRIAL, Aug. 1980, at 68 ("B+"); Dyer, Book Review, 8 INT'L J. L. LIBR. 72 (1980) ("B").

The Next Twelve

Here we have a never-ending game of one-upsmanship, as each author tries to come up with a new gimmick: cartwheels (Statsky), "fast track" features (Elias), checklists (Roberts & Schlueter), "Looking for . . .?" boxes (Roberts & Schlueter), the Honigsberg grid (Honigsberg). Let's look at each of these books separately and see how these devices work.

Kunz, Christina L., et al. *The Process of Legal Research*. Boston: Little, Brown, & Co., 1986. 329 pages. \$15.95.

This interesting book has seven authors, so quality control might be a legitimate concern. Two of the book's distinguishing features are its illustrative tables and its citation notes.

I singled out several tables for consideration. Table I, Legal Research Materials, indicates via an asterisk that nearly everything listed is in WESTLAW or LEXIS. This is misleading: state regulations and most legislative history are not; *ALR* annotations are in LEXIS only. Table II, Major Indexes for Legal and Law-Related Periodicals, is good. Table VI, Legislative History Data, leaves out an important source, CCH's *Congressional Index*, which would be relevant in several categories. In Table VIII, Traditional (pre-1970) and Modern Methods of Legislative History Research, the traditional part is very good, but the modern part is misleading. Step 4 refers to microfiche copies of the documents but does not indicate that a researcher needs SuDoc numbers to find reports and hearings in hard copy at libraries that do not have *CIS* microfiche.

The citation notes also have some problems. They refer to the thirteenth rather than the fourteenth edition (1986) of *A Uniform System of Citation*, which came out just after *The Process of Legal Research* did. This is most unfortunate because the citation notes could have been more useful if keyed to the current edition. Four of the first ten citation notes are either completely or partially misleading.¹¹ (Larry Teply's 1986 book, *Programmed Materials on Legal Research and Citation*, reviewed below, has the same problem.)

The Process of Legal Research starts off with secondary authority because, the authors say, novice researchers start their research with commentary sources, and "[d]oing so . . . will develop an understanding of

11. The citation notes on pages 14 and 36 refer to rule 15.5.3, the rule dealing with special citation forms. In the fourteenth edition this rule deals with films and broadcasts. The citation notes on pages 17, 23, 26, and 41 refer to the same thing in both editions. The citation note on page 57 refers to Part G, which in the 13th edition is United States Tables (federal and state), but in the 14th edition is Foreign Materials and Tables. The citation notes on pages 79 and 91 refer to the same thing in both editions.

general legal principles" (p. 10).¹² Illustrations are less overwhelming than in the Big Three (particularly Cohen and Berring and Jacobstein and Mersky, which often have several pages of illustrations in a row). This book intersperses its illustrations more congenially and in a low-key style.

This is one of the few legal research books to note that *USCA* has legislative history cross-references to *USCCAN*. There is a good comparison between *USCA* and *United States Code Service (USCS)*, though a footnote to the article in *Legal Reference Services Quarterly*¹³ comparing these two sets would have been appropriate.

The chapter on "The Importance of Demystifying the Restatements" is noteworthy, as are the well-thought-out problem sets for each chapter, printed on tear-out perforated sheets. These seem more effective than the short-answer questions often used to test legal research knowledge.

Roberts, Bonita K., and Linda L. Schlueter. *Legal Research Guide: Patterns and Practice*. Charlottesville, Va.: Michie, 1986. 160 pages. \$12.50.

The purpose of this book is to provide law students and others a simple step-by-step guide to the basic research processes. To underscore the common patterns in legal research and to simplify comprehension, checklists are located throughout the text. There are twenty such checklists, as well as little "Looking for . . .?" boxes to illustrate particular items (for example, "Looking for an ALR Annotation?," "Looking for a U.S. Constitutional Provision?"). There are no illustrations, which is almost a relief after the Big Three.

The checklists and "Looking for . . .?" boxes make this a useful little book for taking those new to legal research step by step through the use of specific legal research tools. A major drawback of the book, however, is that it pays absolutely no attention to LEXIS and WESTLAW. These are simply too important an element of legal research today to be ignored.¹⁴ In addition, it is not clear that Roberts and Schlueter understand how really important *ALR* is to many practicing attorneys, nor is there any mention of the *Legal Resource Index*.

Rombauer, Marjorie D. *Legal Problem Solving: Analysis, Research and Writing*. 4th ed. St. Paul: West, 1983. 424 pages. \$22.95.

12. Barkan is quite critical of this approach. See Barkan, Book Review, 37 J. LEGAL EDUC. 14 (1987) ("C"). See also Danner, *supra* note 1, at 3 ("B"); Cochran, Book Review, LEGAL REFERENCE SERVICES Q., Spring 1987, at 128.

13. Benioff, *A Comparison of Annotated U.S. Codes*, LEGAL REFERENCE SERVICES Q., Spring 1982, at 37.

14. See also Danner, *supra* note 1, at 4.

This book has 181 pages on legal research, thirty-two of which are on computer-assisted legal research. That Rombauer's book is now in its fourth edition is no accident. In a crowded field, her book is one of only two that combine legal method, legal research, and legal writing. Clearly, this is an attractive approach for faculty teaching legal research and writing.

This "functional introduction to the analysis, research, and writing incident to research-oriented problem solving" (p. xvii) seems logical, but I found Part II on problem analysis and research somewhat confusing. The chapter on computer-assisted research (written by Scott Burson) is straightforward, but the other five chapters are less successful in their attempt to correlate specific legal research materials with research strategy. Rombauer's chapters on preliminary problem analysis, research on questions governed by the common law, and research on questions governed by statutes work better for the experienced researcher than for the novice. Discussing secondary materials (encyclopedias, treatises, restatements) before primary ones may seem logical, but until the new students have a good grasp of the primary materials, can they really understand the tools used for preliminary analysis?

Gilmer, Wesley. *Legal Research, Writing and Advocacy: A Sourcebook*. 2d ed. Anderson Publishing Co., 1987. 536 pages. \$35.00.

Gilmer's book is really the only one in direct competition with Rombauer's. However, it seems to be aimed at paralegal students nearly as much as at beginning law students. Should the latter group be linked with the former? Gilmer's first chapter is on lawyers and paralegals and on how they complement each other, an emphasis that may make law school teachers of legal research reluctant to use the book.

Gilmer treats legal research in a curious fashion. In an eleven-page chapter, he briefly discusses all legal research tools, then provides a seventy-four page bibliographic essay on sources of law, finding devices, and specific books by subject. These two chapters give too brief a treatment of legal research to be very helpful. Gilmer's book does have some good features, however. His summary of the fourteenth edition of *A Uniform System of Citation*, which deals only with the set of rules for briefs and memoranda, is quite helpful. He also has a good feel for the value of certain research sources. Thus, he notes that *ALR* is an indispensable resource and is, perhaps, the best indexed of all finding devices. He discusses the importance of the *Uniform Commercial Code Reporting Service* and its *Code Case-Digest*, a service that too many know too little about. And he notes that digests are a slow avenue of legal research, with their repetitive abstracts of precedent cases.¹⁵

15. Ed Bander also weighs in against the utility of digests. See *Legal Aids*, STUDENT LAW., Nov.

All in all, though, I think this book is best suited for paralegals, and therefore, perhaps best merits comparison with Nemeth's *Legal Research*, which is discussed in the last section of this article.

Statsky, William P. *Legal Research and Writing: Some Starting Points*. 3d ed. St. Paul: West, 1986. 257 pages. \$18.50.

I like Statsky's "laws of legal research" (pp. 6-7):

- (1) The only books that will be missing from a shelf are those that you need to use immediately.
- (2) The only sets of law books and legal research techniques that are worth learning are those that you will forget about soon after learning them.
- (3) Each time you forget something, relearning it will take half the time it previously took.
- (4) When you have relearned something for the fourth time, you own it.

He advocates the use of "cartwheels," a word association game, the objective of which is to develop the habit of phrasing every word involved in the client's problem fifteen to twenty different ways. Little assignments (three or four questions) are interspersed throughout the text. He also includes long, detailed (too long and detailed?) checklists for doing various things, such as using the West digests.

Statsky appreciates *ALR*, calling the set "a gold mine of research reference. Since there are hundreds of volumes available . . . , the chances are very good that we will find an annotation that is on point" (p. 116).

He notes that there are four great research inventions in the law: the key number system of the West digests, the *ALR* annotations, computers, and *Shepard's Citations*.

He has instructions on writing a memorandum (and includes a model). His writing guidelines include lists of forbidden words, circumlocutions, and preferred expressions. There is a detailed index, and some illustrations, but the book is not swamped with them. Statsky's research philosophy revolves around following the detailed steps necessary to get or find something; these steps are all set off in boxes. The detail can sometimes be a little overwhelming, but should serve most new students well. In addition, of all the books intended for beginning researchers, only Statsky's book gives guidelines for cite checking.

1981, at 52, 53. By and large, I agree, although the digest for an individual state can be useful. But the bigger the digest gets, the less useful it becomes. The best example is the *Decennial Digest*. Bander also notes that books on legal research are seriously lacking in critical appraisal. *Id.* at 52.

I find this an admirable, unpretentious little research book which belongs at or near the top of the heap.¹⁶

Wren, Christopher G., and Jill Robinson Wren. *The Legal Research Manual: A Game Plan for Legal Research and Analysis*. 2d ed. Madison, Wis.: A-R Editions, 1986. 242 pages. \$9.95.

The Wrens, who emphasize that they are attorneys, not librarians, have clearly struck a nerve with their book. It has been reviewed eight times¹⁷—more than any other book on legal research since 1980, including the Big Three.

In their book, the Wrens attempt to teach legal research as a process, not as a collection of books. Bibliographic descriptions become subordinate to understanding the legal research process. This process-oriented approach is based on several conceptual frameworks:

- (1) the link between the law-creating institutions and the law books
- (2) the analysis of facts
- (3) the legal research process
 - (a) finding the law
 - (b) evaluating the law
 - (c) updating the law

The Wrens note that each of the three branches of government creates primary law: the legislature—statutory law; administrative agencies—rules and decisions, or administrative law; and the judiciary—common law. They include a good organizational chart of federal entities and their corresponding legal research sources. They note the importance of using *A Uniform System of Citation*: “Proper citation form subconsciously creates in many people, including judges, the impression that a legal writer who meticulously follows citation rules probably also conducts thorough legal research and engages in careful and thoughtful legal analysis” (p. 27).

The chapter on finding the law probably will be confusing to most beginning law students. Legal research tools are thrown together and, despite the Wrens’ best efforts with charts and checklists, it is all something

16. See also Danner, *supra* note 1, at 4.

17. Reviews of the first edition of *The Legal Research Manual* are Farwick, Book Review, UPDATE ON LAW-RELATED EDUC., Spring 1985, at 17 (“B”); Book Review, LAW OFF. ECON. MGMT., Summer 1984, at 213 (“A”); Book Review, 33 DEFENSE L. J. 371 (1984) (“B+”); A.B.A. J. Apr. 1984, at 106 (“B”); Oakley, Book Review, 34 J. LEGAL EDUC. 139 (1984) (“A”). It’s strange that the editors of the *Current Law Index* characterized Oakley’s opinion of the book as “A.” In a thoughtful three-page review, Oakley is actually quite critical, calling the book’s simplicity and brevity “unfortunate,” but noting that it is “an excellent, well-written introduction to legal research.” *Id.* at 141. See also Book Review, TRIAL, March 1984, at 101 (“B-”); Johnson, Book Review, LEGAL INFO. ALERT, July-Aug. 1986, at 8; Danner, *supra* note 1, at 3, 6 (“B”).

of a jumble. Nor do I find the chapter on reading or evaluating the law terribly successful. The discussion on how to analyze cases and statutes tends to be somewhat abstract and dry.

In the chapter on updating the law, the chart summarizing updating techniques seems to contain errors. It indicates that federal and state constitutions are not updated by pocket parts or supplements. This is clearly wrong. The chart also indicates that the computers update everything listed there, but LEXIS and WESTLAW do not update the federal or state constitutions, state administrative codes, encyclopedias, treatises, hornbooks, or law review articles. Nineteen pages are devoted to Shepardizing.

One hundred pages of the book are given over to appendices. The first appendix is a rather muddled discussion of computerized legal research that fails to make the essential point about CALR—that the researcher, via the full-text data bases, can search directly in the case law without any intervening indexes.

Appendix C is a three-page overview of civil procedure. Appendix D is a peculiar two-page demonstration of the relationships between case headnotes and the digest system. Appendix E reprints *Brown v. Board of Education* and shows how it should be briefed. Titles in the *U.S. Code* and in the *CFR* are two other appendices.

Appendix K is a forty-three page detailed description of how to research legislative history. The appendix's length is a bit bizarre in itself, since the "Finding the Law" chapter, which describes nearly all legal research materials except *Shepard's*, is only thirty-eight pages long. Nevertheless, Appendix K is excellent; even without illustrations, it is better than any of the Big Three in its informative analysis of legislative history. It notes the *USCA's* references to *USCCAN*, and it has an interesting section on the role of legislative history research.

In summary, the Wrens' book, though it is innovative and has some excellent features, is not really successful in what it attempts to do—that is, to actually *teach* legal research, as a process or as anything else.

Hodes, William W. *Legal Research: A Self-Teaching Guide to the Law Library*. National Institute for Trial Advocacy, 1983. 186 pages. \$15.00.

This book contains a series of library tours and exercises that seeks to combat what Hodes considers the ills behind the traditional approach to teaching legal research and writing—a series of lectures followed by a series of trial-run "finding" exercises, and then the all-out library search demanded by the "open" writing exercises. Hodes believes that lecturing about law library materials is both inefficient and ineffective, and that such lectures should be replaced by a series of self-teaching exercises.

The six tours in the book are designed for self-study, sending students around the library alone or in pairs at their own pace and at their own convenience. The tours are not programmed in the sense that each step requires a confirmation before proceeding. Checkpoints have been inserted, however, to ensure that no one strays too far afield. The checkpoints are questions to test comprehension about a certain tool or procedure. Review exercises follow each tour. These exercises are to get the students thinking about the *process* of engaging in legal research.

There are few illustrations because, through the tours, students are supposed to lay their hands on the books described.

We used Hodes's book at the University of Kansas Law School for one year, and the concept is fine. However, because there were about 180 first-year students, the tours and review exercises—requiring *all* students to use exactly the same books—were hopelessly impractical. Either the key books got carried away or lost (putting these books on reserve did not seem a viable alternative) or they became so used and dog-eared that they flopped open automatically to the right page after the first group of students blundered its way through them. We also found that a program of six to seven lectures done in an interesting manner can be fairly well received.

Teply, Larry L. *Programmed Materials on Legal Research and Citation*. 2d ed. St. Paul: West, 1986. 358 pages. \$13.25.

This is quite an impressive work, thorough, detailed, and understandable. The materials apply a programmed approach to learning legal bibliography, legal research techniques, and legal citation. This approach uses the basic learning principles of reader involvement, self-testing, and repetition. It permits students to work at their own pace and provides them with systematic exposure to the subject.

Teply has twenty problems on correctly citing the names of cases—determining the correct abbreviations for various words. Most legal researchers ordinarily follow the *Blue Book* and use the short form of the case as it is found at the top of the reporter page; Teply might at least have mentioned that. In other ways, Teply's book ties in legal citation with legal research in a more direct and meaningful way than do any of the other books on legal research. However, the book's numerous references to *A Uniform System of Citation* are to the thirteenth edition. Now that the fourteenth edition has come out, some references to rule numbers will confuse readers. Teply would have been better off to have waited for publication of the fourteenth edition so he could have keyed his citation references to the latest edition.

In the legislative history section, Teply sensibly stresses *USCCAN* more than *CIS*, considering that law firms and attorneys will most likely have *USCCAN* but not *CIS*.

Despite its considerable merit, however, the book lacks visual appeal. It is not typeset, is densely packed, and looks rather dreary. It would take great persistence to work one's way through this manual. I doubt that most law students would be up to it. Finally, unfortunately and incomprehensibly, there is no index.¹⁸

Honigsberg, Peter Jan. *Legal Research and Writing*. 3d ed. Gilbert Law Summaries (a product of Harcourt Brace Jovanovich Legal and Professional Publications), 1984-85. 153 pages. \$10.95.

Honigsberg, an attorney, has geared his book for law students. The book contains twelve lines on *ALR*, twelve lines on the Restatements, and two and one-half pages on LEXIS and WESTLAW. There are twenty-two pages on reading and understanding a case (of which thirteen are simply a reprint of a case). Thus, when all is said and done, there are only about seventy pages on legal research materials. There is just not enough detail.

In chapter XII, the author introduces the "Honigsberg Grid," a comparison of the leading cases in an area of research on their facts, causes of action, damages, and setoffs to damages. Honigsberg says that the memo or brief can be written working right off the grid. Sample memoranda are given.

Honigsberg's book is good as far as it goes; it just doesn't go far enough.

Jacobstein, J. Myron, and Roy M. Mersky. *Legal Research Illustrated: An Abridgement of Fundamentals of Legal Research, Third Edition*. 1987 ed. Foundation Press, 1987. 431 pages. \$18.50.

The abridgement is designed to introduce the fundamentals of legal research in law schools that do not have a formal research course but attempt to integrate legal research instruction with legal writing or other substantive law courses. The book also provides an introduction to legal resources for law-related courses in the nonlaw curriculum and, in contrast to Cohen and Berring's *Finding the Law* (discussed below), provides the interdisciplinarian professions with an understanding of the legal duties and liabilities inherent in their practice.

In most instances, this abridgement has omitted the chapter summaries that are included in Jacobstein and Mersky's *Fundamentals of Legal Research*. This abridgement also leaves out the chapters or sections on:

18. Teply's book is reviewed in Wilder, Book Review, AALS SEC. ON LEGAL WRITING, REASONING & RES. NEWSL., March 1987, at 19. Wilder notes that Teply concentrates on *how* to use research materials, not *when* to use them or *why* to use them. *Id.* at 22. See also Danner, *supra* note 1, at 2 ("B").

court rules and procedures, which is unfortunate given their importance; federal tax research; municipal legislation; English legal research; and the table of legal abbreviations. The chapter summarizing research procedure is included in *Legal Research Illustrated*.

Although the authors do not intend for this book to be used in basic legal research courses in law schools, it certainly is more than adequate for that purpose.

Cohen, Morris L., and Robert C. Berring. *Finding the Law: An Abridged Edition of "How to Find the Law, 8th Ed."* St. Paul: West, 1984. 556 pages. \$16.95.

Cohen and Berring have left out six chapters and one appendix in this paperback version of their *How to Find the Law*. The chapters left out are "Foreign and Comparative Law," "English and Canadian Materials," "International Law," "Research in the Social Sciences," "General Research and Reference Sources," and "Research Approaches and Strategies." The left-out appendix is "Primary Legal Sources for the States." It is unclear why they left out the chapter on research approaches and strategies, however, since it is only twelve pages long and very useful for law students learning how to tie together their legal research.

Finding the Law seems to be aimed at teachers of legal research who think that the Big Three are simply too expensive or too big to be required texts. (Jacobstein and Mersky, on the other hand, appear to be trying to cover all the bases. The hardbound *Fundamentals of Legal Research* is intended to be a required text for law school legal research classes and a reference book complete with update service (the *Noter Up*), while the paperback *Legal Research Illustrated* is to cover all other legal research classes.)¹⁹

Cohen, Morris L. *Legal Research in a Nutshell*. 4th ed. St. Paul: West, 1985. 452 pages. \$10.95.

Since this *Nutshell* is not intended to be a reference tool, footnotes and most bibliographic detail have been omitted or placed in the appendices. (Footnotes and bibliographic detail have been left in *Finding the Law* and in *Legal Research Illustrated*.) Although the *Nutshell* has 452 pages, it has only two-thirds as many words per page as does *Finding the Law*. *Finding*

19. *Finding the Law* is reviewed in Carrick, Book Review, AALS SEC. ON LEGAL WRITING, REASONING & RES. NEWSL., March 1987, at 17. Carrick observes that all the chapters in *Finding the Law* are verbatim reprints of those in *How To Find the Law*—right down to the last fact-stuffed footnotes. This depth of information is confusing to first-year students. *Id.* at 18. The same criticism can be applied to *Legal Research Illustrated*.

the Law has more illustrations, but the *Nutshell* seems to have an adequate number. The *Nutshell* does what it intends to do in quite a nice way: it boils things down and sums things up.

The *Nutshell* appropriately devotes as much space to *USCCAN* as to *CIS*. It has chapters covering four topics that *Finding the Law* does not: "United States Treaties," "English Law," "The Civil Law System," and "International Law." It has two appendices that *Finding the Law* does not have: "List of State Research Guides" and "Current Status of Major Official State Reports." But it does not have one appendix that *Finding the Law* does have: "Sources of Federal Regulatory Agency Rules, Regulations and Adjudications."

The *Nutshell* does not have a separate chapter for LEXIS and WESTLAW but simply discusses them in the various pertinent chapters, such as cases, statutes, regulations. This is appropriate, but CALR is distinctive enough from manual research to warrant a chapter of its own.

The *Nutshell* is an admirable little book that is really not as little as it seems. Moreover, it is among the least expensive of all the books devoted to the instruction of legal research. It is quite suitable for most legal research classes—unpretentious but effective.²⁰

Six for Lay Persons

Lewis, Alfred J. *Using American Law Books*. 2d ed. Kendall/Hunt Publishing Co., 1985. 190 pages (20 of which are absolutely blank). \$14.95.

Lewis, a law librarian, has written a book which in tone and style is more suited for lay persons than for law persons. I don't mean to denigrate his book by saying that (in fact, I think his book is probably better than Honigsberg's).

Lewis offers helpful hints such as: "there is one simple trick you should learn in order to discover the contents of many books—forget about the title on the cover, read the title page" (p. 5).

Some of the book's chapters are too short: those on records and briefs (one page), constitutions (two pages), court rules (three pages), encyclopedias (one page), and the Restatements (one page). I don't think there is sufficient detail here for law students in legal research classes.

However, Lewis does give four pages of detailed instruction on using annotated codes; this probably could be condensed. In addition, there are eighteen pages of illustrations of codes.

Lewis's comment regarding citations is worth noting: "The acid test for all citations is: Can someone find the same book and page you have in your

20. The *Nutshell* is reviewed in Book Review, *LAW. ALERT*, Mar. 1986, at 8.

hand—ten years later and a thousand miles away?” (p. 69, note 31).

Elias, Stephen. *Legal Research: How to Find and Understand the Law*. 2d ed. Berkeley: Nolo Press, 1986. 262 pages. \$14.95.

The innovation of this book is the “Fast Track” feature, a series of nutshell reviews which set out the steps in the principal legal research tasks. This book emphasizes a functional rather than a scholarly approach to legal research. (Nolo Press books are aimed at lay people.) Elias also likes Statsky’s cartwheel approach for breaking down a legal research problem into its component words and phrases.

Elias has a good section on *American Jurisprudence Proof of Facts*. Too few law students are aware of how useful this set can be. He also discusses the fact that the labeling process for popular statutes can be confusing; for example, Title VII of the Civil Rights Act is to be found in Title 42 of the *U.S. Code*.

Elias notes that statutes in the *USCA* often include a reference to *USCCAN* for legislative history materials. (He mistakenly says that *USCS* makes the same reference.) Yet, in a fairly long and quite detailed book, he does not mention *CIS* at all with respect to legislative history.

He goes into *CALR* in some detail, which seems out of place in a book for the lay researcher, in terms of both expense and effectiveness.

The chapter on access to government information and the Freedom of Information Act is a good touch in a book for lay researchers.

All in all, this is a good piece of work.²¹ Yet, it is too detailed for the lay person: only the most persistent could plow through it. Law students could well profit from reading it, however. It is clearly superior to some books aimed at law students, such as Honigsberg’s *Legal Research and Writing*.

Coco, Al. *Finding the Law: A Workbook on Legal Research for Laypersons*. Prepared for the Bureau of Land Management. Government Institutes, 1982. 272 pages. \$44.00. (Hein. \$25.00).

This workbook was written primarily for survey personnel and others in government service who do not have a law background, but frequently work with or are exposed to the law. Coverage of *CALR* was purposely (and wisely) omitted.

To a degree, this is a programmed manual. There are short answer review questions at the end of each section, with the answers on the flip side of the page.

21. Elias’s book is reviewed in Danner, *supra* note 1, at 4-5. (“B”) and in Adkins, Book Review, 7 *LEGAL REFERENCE SERVICES Q.*, Summer/Fall/Winter 1987, at 318.

Regulations are particularly emphasized, with thirty-four pages of illustrations. Also stressed is information about administrative agency reports and decisions, particularly B.L.M. and Department of Interior hearings and decisions. This is one of the few legal research manuals that discusses the *Monthly Catalog of United States Government Publications*.

The appendix gives more in-depth bibliographic information about the major titles covered in the workbook. Titles are arranged alphabetically. After the appendix, a set of review exercises and answers take up forty-six pages.

Bledsoe, Robert L., Joan Johnson-Freese, and David B. Slaughter. *Legal Research Handbook: A Guide for Students and Laymen*. Kendall/Hunt Publishing Co., 1985. 134 pages. \$18.95.

A big price for a small book. Chapter one covers legal research generally in twenty pages. This book is aimed at undergraduate, nonlaw students. It argues that legal research books written for law students are too complex for nonlaw students.

There are separate chapters for doing legal or law-related research in business law, constitutional law, criminal law, and international law. The book concludes with a chapter on legal careers and preparing for law school.

One wonders why some of the information is so outdated. The book was published in 1985, so it should not have listed the first editions of the two national legal encyclopedias: *American Jurisprudence* and *Corpus Juris*. The second edition (1955) of *Prosser on Torts* is listed in the paragraph on legal treatises, even though three later editions had come out before the book was published. *Current Law Index* and the *Legal Resource Index* are not mentioned at all. The glossary of legal terms has some rather curious terms: a bon droit, a cause de cy, a consiliis, thalweg, verinbarung, York-Antwerp rules.

There are no illustrations, charts, diagrams, cartwheels, checklists, or examples. In this book, the use of some graphics would have been helpful.

Ballard, Berton E. *Twelve Entry Points to Legal Research: A User Friendly System*. Berkeley: B.E. Ballard, 1986. Approximately 300 pages (nonconsecutive pagination). \$21.95.

The author has a J.D. degree and a Ph.D. in pharmaceutical chemistry. His workbook is designed for people who feel they need to use a law library but do not have the time to take a formal course in its use. The book is quite thick and rather unappealing physically. The author's entry points are: *Index to Legal Periodicals*, *Current Law Index* (no mention of *Legal Resource Index* or LEGALTRAC), *Am Jur 2d.*, *CJS*, *Words and*

Phrases, ALR, ALR-Federal, USCA, CFR, Larmac Consolidated Index to Constitution and Laws of California, and the Decennial Digest.

To say that the author is thorough is an understatement. Only other fanatics could possibly work their way through this book. (He has sixty-five pages on the Eighth *Decennial Digest*!) He incorporates *Shepard's* into the various entry points, and he has short answer questions for testing purposes.

Among his appendices, he has a table of cases (the purpose of which escapes me entirely), a table of law review articles (which have nothing to do with legal research), and examples of errors found in legal sources (mostly minor misspellings). Of the twenty-four books dealing with legal research, this is perhaps the strangest.

Coco, Al. *Introduction to Legal Research: A Layperson's Guide to Finding the Law*. Want Publishing Co., 1985. 178 pages. \$15.95.

This book is not intended as a complete instructional course but rather as an easy-to-use reference source. The book wisely notes the difference between case annotations (*ALR*, in particular) and statutory annotations. Al Coco does a nice job of explaining the primary legal materials and the necessary search materials. However, in explaining *Shepard's*, I think he's a bit confusing. He writes, "Shepardizing means using a Shepard's citation set to evaluate or locate cases" (p. 110). He then gives a series of steps, but it's hard to fault *Shepard's* own description of what it does—the *history* and *treatment* of the cited case.

The appendix gives more in-depth, bibliographic information on the major titles covered in the book.

Of the six legal research books aimed at lay persons, I think this is easily the best. It covers everything that should be covered in an understandable fashion, and does not discuss things that lay persons need not know (e.g., LEXIS and WESTLAW). It has helpful charts and illustrations. A nice piece of work.²²

Two for Lawyers

Marke, Julius J., and Richard Sloane. *Legal Research and Law Library Management*. Law Journal Seminars-Press, 1982. 468 pages. \$36.00. 1986 Supp. 236 pages. \$19.00.

This book collects fifty of the authors' articles on legal research and library management, which appeared in the *New York Law Journal* between 1972 and 1981. The authors note that they updated all the articles prior to publication in the book.

22. Coco's book is reviewed in Book Review, *LIBR. J.*, Mar. 1, 1985, at 100.

Marke and Sloane note that their purpose is to sharpen the research skills of lawyers and librarians by evaluating the research tools, showing where those publications can be found, and explaining their uses.

This book, while often interesting, is not meant to be a text on how to do legal research. For example, the first chapter in the section on phases of legal research is "How to Find English Law," and the second chapter is "Law Reporting in New York."

They note that probably more law offices subscribe to *USCCAN* than to all the other legislative finding tools combined. They also note the importance of the *Oxford English Dictionary* in determining the meaning of words with respect to legislative history. (I checked LEXIS and was surprised to learn that more than five hundred cases had cited to the *OED*).

There are interesting chapters on the *CFR* index and *Federal Register* indexes, research in environmental law, legal periodical indexes, law books for the young practitioner, and F.T.C. guides for the law book industry. Marke and Sloan should have included an index for their book.²³

Chanin, Leah F., ed. *Specialized Legal Research*. Boston: Little, Brown, 1987. 388 pages. \$50.00.

This book is directed primarily to nonspecialist researchers—those who do not normally practice in a specialized field but often have need of recourse to these "hidden" legal materials. It discusses sources and research methods for nine fields of law, with supplements and, perhaps, additional fields to be added in the future. In classifying legal research by subject, this book should shorten the search and assure a complete search for materials. Each author, often an authority in the field, outlines the historical antecedents of current administrative boards, courts, and agencies to allow retrospective research. Terms unique to the field are defined.

The chapter on securities regulation provides a basic introduction to the documents of securities law and the sources in which they are published and provides help in translating cryptic references to securities documents. There is a particularly good section on finding releases.

Igor Kavass, who wrote the chapter on the Uniform Commercial Code, discusses the uses of LEXIS and WESTLAW in UCC research, but notes that traditional research must be conducted in addition to LEXIS or WESTLAW searches. He also notes the importance of the *UCC Reporting Service* and *UCC Case Digest* (the single best manual research tool for

23. Marke and Sloane's book is reviewed in Book Review, *LAW. ALERT*, Feb. 1986, at 5; Reichel, Book Review, *LEGAL ECON.*, Jan/Feb. 1983, at 64 ("B").

cases, in my opinion). Kavass points out that West's key number system is at odds with the arrangement of the UCC, and that *Am. Jur.* and *CJS* are weak in their arrangement of UCC material.

The tax research chapter would have been more effective with a table comparing the citator features of P-H, CCH, & *Shepard's*. This chapter also leaves out a discussion of looseleaf services, portfolios, and treatises dealing with taxation, materials that are too important to neglect. LEXIS and WESTLAW are barely mentioned, but they, too, are important in tax research. The ninety-page chapter on federal tax research in *Fundamentals of Legal Research* is a good deal more comprehensive than this one.

The chapter on copyright law notes that the threshold question is whether federal or state law is controlling. There is an extensive annotated list of the various copyright acts passed by Congress. This chapter also notes which files in DIALOG can be useful.

The labor and employment law chapter deals with laws that regulate relations among private employers, unions, and employees; set minimum wages and hours; provide for equal employment opportunities; and govern employees' occupational safety and health. The chapter could have discussed the complex BNA *Labor Relations Reporter* and the useful RIA *Employment Coordinator* in some detail.

The chapter on environmental law and land use planning has a good analysis of the two major looseleaf sources in this area, *Environmental Law Reporter* (Environmental Law Institute) and *Environment Reporter* (BNA). This chapter also notes which files in DIALOG can be useful.

The chapter on admiralty and maritime law appears to be comprehensive. The last two chapters are on immigration law and military law. Finally, there is a general bibliography of specialized legal research sources.

One for Paralegals

Nemeth, Charles P. *Legal Research*. Prentice-Hall, 1987. 402 pages. \$16.95.

Nemeth makes extensive reference to Statsky's cartwheel approach, and reproduces Statsky's checklist of law, but he fails to list the restatements for conflicts, foreign relations law, and property. He talks about "practical exercises" (?) of which *American Jurisprudence Trials* is apparently an example (pp. 32- 33). A family will form is listed right under the section on constitutions. This is confusing at first, as are the layouts for figures that extend over two pages.

Nemeth's detailed questions on citation formats and citation forms must have been done using the thirteenth edition of *A Uniform System of Citation*.

Nemeth describes the entire *ALR* system as "a system of monographs or exercises in high-level research" (p. 78). Well, I guess. There is at first almost no explanation of the West Key Number system, yet Chapter VI has a series of detailed questions on cases that have been reprinted in part or in their entirety. There are a great many questions on statutory research with a large number of reprints of statutes.

Perhaps the book would be useful in legal research classes for paralegals. Certainly, it goes into the primary legal materials in great detail, with literally hundreds of exercise questions. It strikes me as an onerous book to work through, but, once having done this, a paralegal would have a good grounding in legal research. However, this book only works for paralegals in an organized course; I would not recommend it for laymen, law students, or lawyers.

Conclusion

What, then, is the ideal book for teaching legal research to law students? It should be relatively inexpensive. It should cover the fundamentals well, but need not be swamped with illustrations or bibliographical detail. Simple checklists would be useful. A sample legal memorandum is nearly a necessity. The book should tie in LEXIS and WESTLAW where necessary but also have a separate chapter on the computer-based legal research systems (although too much detail is not necessary; that can be left to the LEXIS and WESTLAW manuals).

What should be left out? The material that first year students, by and large, don't need: non-U.S. law, international law, tax research, nonlaw library materials.

Who should write it? My pick would be someone who clerked for a judge after graduating from law school (fairly intense research goes with a clerking job) and then practiced with a general law firm for a few years. Fascinated by law books, this person became a law librarian. After being a legal reference librarian for several years, he or she knew the time had come for a book on legal research filled with important information but based on practical experience.

While waiting for this book, I'd go with Statsky if price were not an issue. All things considered, though, I'd choose Cohen's *Nutshell*. The students can still afford to buy *A Uniform System of Citation* (\$6.50), and the two books together would be sufficient to cover the research needs of most beginning law students.